

REMARKS

Claim 9 has been amended. Claims 9 – 18 are currently pending in the present application.

In the Office Action, claim 9 is objected to. Also, in the Office Action, claims 9, 10, 12, 13, and 16 are rejected under 35 USC §102(b) as being anticipated by or, in the alternative, under 35 USC §103(a) as obvious over, Gentz US Patent No. 2,074,785. Furthermore, in the Office Action, claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gentz US Patent No. 2,074,785.

In the Office Action, claims 14 and 15 are objected to but would be allowable if rewritten in independent form.

Claim 9 has been amended to delete possibly redundant language. Thus, the objection to claim 9 is believed to now be overcome.

Favorable reconsideration is respectfully requested in view of the amendment of claim 9 and the following comments.

Claim 9 recites that the second storage compartment portion has a second horizontally-directed depth which is “less than half of” the full first horizontally-directed depth. In contrast, Gentz states that the recessed portion of the basket 34 is “one-half the width” of the remainder of the basket (page 2, left col., lines 12-13; see also Figure 4 of Gentz). Furthermore, Gentz’s motivation for making a portion of the shelf narrower is not to accommodate tall articles below but to provide specialized storage space: “[t]he narrower portion affords a storage space for relatively flat articles.” Page 2, left col., lines 13-15.

Thus, a tall object such as a bottle, if it were placed in a lower door shelf, would not fit properly next to the upper, recessed shelf 34 because the recessed portion in Gentz’s shelf extends out too far in the horizontal direction. An object such as a tall bottle that occupies the full width of a shelf, but which narrows to a taper at the top, will nevertheless require an amount of space that is greater than

half the full shelf width. Gentz's half-width shelf will interfere with the tops of such tall objects.

In rejecting Claim 16, the Examiner states that making the recessed portion have a horizontally-directed depth that is less than half of the full depth is "an obvious design consideration." However, the Examiner provides no indication as to why one skilled in the art would choose this particular design over the infinite number of other possible designs. Certainly, nothing in Gentz would have taught a person skilled in the art to make the recessed portion less than half the full width.

For at least the above reasons, Claim 9 is allowable over Gentz.

Claim 12 is allowable over Gentz insofar as the shelf structures disclosed in Gentz are made of numerous steel wires that must be bent and assembled together to form the shelf. Thus, Gentz does not disclose making a storage compartment that is formed as a one-piece part as claimed.

Claim 13 is also allowable over Gentz. The Examiner does not recite any structure in Gentz that shows a box-shaped shelf as claimed. Furthermore, element 39 of Gentz, which is stated to be an intermediate wall, is in fact a wire that is underneath the lower level 37 and is for supporting the longitudinal rods 38 (page 2, left col., lines 20-23). It follows that element 39 of Gentz, being underneath the lower level 37 of basket 34, does not separate the first and second storage compartments as is required of the intermediate wall element of Claim 13.

As detailed in Applicant's specification, the intermediate wall of Claim 13 serves the additional purpose of strengthening the shelf:

In order to increase the bending stiffness of the door storage compartment when it is loaded, an intermediate wall 3 is provided in the area in which the two sections 1, 2 are adjacent to one another and connects front walls 4, 5 (which face the interior of the refrigerator) of the sections 1, 2 to an integral rear wall 6, which is

common to the two sections 1, 2 and rests on the inner wall of the refrigerator door when the door storage compartment is installed. The intermediate wall 3 on the one hand prevents the rear wall 6 from bending laterally when subjected to a bending load, while on the other hand it forms a support for the front wall 5 of the section 2 of smaller depth.

Originally-submitted specification, page 7, lines 15-26 (emphasis added). In contrast, the shelf structures in Gentz are made of heavy steel wires that are not in need of such structural reinforcement. Thus, Gentz provides no teachings whatsoever that would lead one skilled in the art to provide an intermediate wall as claimed.

Claim 10 is allowable at least for the reason that it depends from allowable independent Claim 9.

Claim 16 is allowable over Gentz because, as discussed above with regard to Claim 9, one skilled in the art would have found no guidance in Gentz to make the recessed portion of the shelf with a horizontally-directed depth which is less than half of the full shelf depth. Of the infinite design choices available, nothing in Gentz would direct one skilled in the art to make this particular choice.

Moreover, Applicant's claimed design has advantages over that disclosed in Gentz. The stated motivation in Gentz was to provide shelf space to accommodate narrower items, which led Gentz to provide a recessed shelf that is exactly half the full shelf width. However, this would not have provided any guidance regarding the design of a recessed shelf that accommodates the placement of taller items in the shelf below.

Claim 11 is allowable at least for the reason that it depends from allowable independent Claim 9.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 9 - 18 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Russell W. Warnock".

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